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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,196	10/24/2005	Hans-Peter Andra	000008-005	2655
44912	7590	11/14/2008		
WRB-IP LLP 1217 KING STREET ALEXANDRIA, VA 22314			EXAMINER BUCKLE JR, JAMES J	
			ART UNIT 3633	PAPER NUMBER
			NOTIFICATION DATE 11/14/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/554,196

**Applicant(s)**

ANDRA ET AL.

**Examiner**

JAMES J. BUCKLE JR

**Art Unit**

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

The following is a Non-Final Office action in response to communications received July 1, 2008. Claims 1, 6, 12-16 have been amended and claim 17-19 have been added. Therefore, claims 1-19 are pending and addressed below.

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "at least one wedge " recited in claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 1,6, 12-16 recites that the clamping plate is supported on the base plate in "a positive fit in a direction of a traction force" or "in the direction of the traction force in positive fitting support against the base plate". It is unclear as to what is meant by a "positive fit in a direction of a traction force" or "in the direction of the traction force in positive fitting support against the base plate". Claims 1-19 are examined as best understood.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 6-8, 12, 13 and 19 are rejected as best understood under 35 U.S.C. 102(b) as being anticipated by Andrä et al. (U.S. Patent No. 6,584,738).
7. Regarding claim 1, Andrä et al. discloses an anchoring (Figures 1-4) for strip-shaped traction element (1) on a supporting structure (3) that is under tension, comprising a base plate (4,11) attached to the supporting structure and a clamping plate (12) clamped against the base plate, and fixed by adhesion and clamping (Col. 2, lines 31-42), wherein the clamping plate is supported on the base plate in a "positive fit in a direction of a traction force of the traction element. The examiner considers the application of an adhesive to the anchoring area sufficient to meet the limitation of being "fixed" by adhesion.
8. Regarding claim 2, Andrä et al. discloses the clamping plate (12) on either side of the traction element (1) comprising in each case a downwardly protruding securing tappet (13) which engages, in each case a securing recess of the base plate (Fig. 4).
9. Regarding claim 3, Andrä et al. discloses the clamping plate (12) that exhibits, on either side, in each case, a securing protrusion (Item 13) which is supported in each case against "a stop" (10) that is connected with the base plate (11). The Examiner considers the "stop" to be connected with the base plate indirectly.
10. Regarding claim 4, Andrä et al. discloses (Fig. 2) the clamping plate with its front surface facing in the direction of the traction force that is supported against two "stops" (5) that are connected with the base plate (4). The examiner considers the clamping plate to be supported on each side by the items 5 ("stops") that is connected to the base plate by the bolt connections (22).

11. Regarding claim 6, Andrä et al. discloses the clamping plate that is fixed in position by a positioning device (5) which engages the clamping plate (12) in the direction of the traction force in "positive fitting" support against the base plate (11).

12. Regarding claim 7, Andrä et al. discloses the positioning device (5) that is "adapted" to be removed from the anchoring. It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138.

13. Regarding claim 8, Andrä et al. discloses the position device (5, Fig. 1) that comprises a bolt or "threaded rod" disposed between the clamping plate (12) and a bridge (14) that is connected with the base plate (11).

14. Regarding claim 12, Andrä et al. discloses the clamping plate that is fixed in position by a positioning device (5) which engages the clamping plate (12) in the direction of the traction force in "positive fitting" support against the base plate (11).

15. Regarding claim 13, Andrä et al. discloses the clamping plate that is fixed in position by a positioning device (5) which engages the clamping plate (12) in the direction of the traction force in "positive fitting" support against the base plate (11).

16. Regarding claim 19, Andrä et al. discloses an anchoring as set forth above that is cable of having a force that is transferred substantially equally from the traction element to the base plate and the clamping plate

***Claim Rejections - 35 USC § 103***

17. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
18. Claims 17-18 are rejected as best understood under 35 U.S.C. 103(a) as being unpatentable over Andră et al (U.S. Patent No. 6,584,738).
19. Regarding claim 17, Andră et al. further discloses the threaded rod as set forth above that extends in the direction of the traction force. The examiner considers the direction of the traction force to have both a horizontal and vertical component.
20. Regarding claim 18, Andră et al. discloses the traction element being fixed between the base plate and the clamping plate by adhesion and clamping as set forth above but does not specify adhesive on sides of the traction element facing the base plate and clamping plate. It would have been an obvious matter of design choice to have adhesive on sides of the traction element facing the base plate and clamping plate, since it is stated that the combination of adhesion and clamping contributes to the safety of the tensile force. It would be obvious to one skilled in the art to add adhesive where necessary and if preferred to increasing the safety of the tensile force.
21. Due to the indefiniteness of the claims no allowability determinations can be made at this time.

***Response to Arguments***

22. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is (571)270-3739. The examiner can normally be reached on Monday-Thursday, Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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